

From the INTERNATIONAL BUREAU

PCTNOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

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24 August 2006 (24.08.2006)

Applicant's or agent's file reference

MEDEU/P32474PC

IMPORTANT NOTICE

International application No.

PCT/GB2005/000494

International filing date (*day/month/year*)

11 February 2005 (11.02.2005)

Priority date (*day/month/year*)

11 February 2004 (11.02.2004)

Applicant

MEDIPLUS LIMITED et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference MEDEU/P32474PC	FOR FURTHER ACTION	See item 4 below
International application No. PCT/GB2005/000494	International filing date (<i>day/month/year</i>) 11 February 2005 (11.02.2005)	Priority date (<i>day/month/year</i>) 11 February 2004 (11.02.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant MEDIPLUS LIMITED		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input checked="" type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Date of issuance of this report 14 August 2006 (14.08.2006)</td> </tr> <tr> <td style="padding: 5px;">Authorized officer Nora Lindner e-mail: pt02@wipo.int</td> </tr> </table>	Date of issuance of this report 14 August 2006 (14.08.2006)	Authorized officer Nora Lindner e-mail: pt02@wipo.int
Date of issuance of this report 14 August 2006 (14.08.2006)			
Authorized officer Nora Lindner e-mail: pt02@wipo.int			

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 20 OCT 2005

PCT
WIPO PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2005/000494

International filing date (day/month/year)
11.02.2005

Priority date (day/month/year)
11.02.2004

International Patent Classification (IPC) or both national classification and IPC
A61M25/01

Applicant
MEDIPLUS LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/000494

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/000494

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 1-10,25,26, 21-24

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 1-10,25,26, 21-24
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.
- ☐ See separate sheet for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/000494

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☒ not paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 11-20

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	15-18
	No: Claims	11-14,19,20
Inventive step (IS)	Yes: Claims	
	No: Claims	11-20
Industrial applicability (IA)	Yes: Claims	11-20
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item IV.

The separate inventions/groups of inventions are:

11-20

A guidewire comprising a proximal end having a first stiffness, a distal end having a second stiffness less than the first stiffness and an intermediate portion having a stiffness lying between the first and the second stiffness.

21-24

A bladder drainage kit comprising a guidewire having a proximal end having a first stiffness and a distal end having a second stiffness less than the first stiffness and an outside diameter less than 2mm and a peelable catheter sheath.

They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

The cited US2002156397 discloses a guidewire comprising a proximal end having a first stiffness, and a distal end having a second stiffness less than the first stiffness .

Over this prior art the (potential) special technical features (in the meaning of PCT Rule 13.2) are:

Independent claim 11: The guidewire has an intermediate portion having a stiffness lying between the first and the second stiffness.

Independent claim 22: The guidewire has an outside diameter less than 2mm and there is a peelable catheter sheath in the kit.

No same or corresponding feature can be found in claims 11 and 22 apart from the features already known from the prior art.

There is therefore no technical relationship between claims 11 and 22 and the inventions defined in the above-mentioned two sets of claims are not linked by a common general inventive concept.

Re Item V.

1 Reference is made to the following documents:

D1 : US 2002/156397 A1 (CORNISH WAYNE E ET AL) 24 October 2002 (2002-10-24)

D2 : US 2002/077686 A1 (WESTLUND RANDY W ET AL) 20 June 2002 (2002-06-20)

2 INDEPENDENT CLAIM 11

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 11 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (see paragraphs 42-45,63,64 and figures, the references in parentheses applying to this document):

A guidewire comprising a proximal end having a first stiffness, a distal end having a second stiffness less than the first stiffness and an intermediate portion having a stiffness lying between the first and the second stiffness.

2.2 Claim 11 is also not new in view of D2 (see search report).

3 DEPENDENT CLAIMS 12-20

Dependent claims 12-20 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT). See for example:

D1 (search report) for claims 12-14 and 19,20

Finally claims 15-18 refer to design options obvious to the skilled person having no surprising or unexpected effect.

Re Item VIII.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2005/000494

The application does not meet the requirements of Article 6 PCT, because claim 20 is not clear. The above claim attempts to define the invention by a result to be achieved (Guidelines 5.35 PCT).